

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES O. STRUTHERS, Individually, *
and as Administrator of the Estate of *
ALICIA STRUTHERS, deceased, *

Plaintiffs, *

v. *

MERCK & CO., INC., a foreign *
Corporation; ANNE BRANDON, an *
Individual; LAMONDE RUSSELL, an *
Individual; and fictitious defendants *
A, B, C & D, being those persons, firms *
or Corporations whose fraud, scheme to *
defraud, and/or other wrongful conduct *
caused or contributed to the Plaintiff's *
injuries and damages, and whose true *
names and identities are presently *
unknown to Plaintiff, but will be *
substituted by amendment when *
ascertained, *

Defendants. *

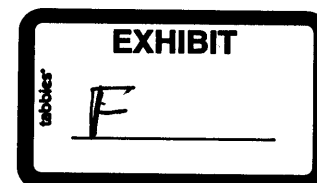
Case No.: CV-06-26

DECLARATION OF LAMONDE RUSSELL

1. My name is Lamonde Russell. I am over twenty-one years of age, am of sound mind, and am competent to make this Declaration. This Declaration is based upon my personal knowledge.

2. At no time did I ever provide Vioxx® ("Vioxx") or information concerning Vioxx directly to James O. Struthers or Alicia Struthers.

3. I am not a physician, and have therefore never prescribed Vioxx. I am also not a pharmacist and I have therefore never written or filled a prescription for Vioxx as a pharmacist. The information that I used during the course of my employment



was provided to me by my employer. Specifically, Merck provided me with the FDA-approved prescribing information and the other information I used in speaking with physicians about Vioxx. I had no involvement in the development or preparation of prescribing information for Vioxx, and did not have responsibility for the content or other written warnings concerning Vioxx contained in other information provided to me by my employer. I was not expected, as a Professional Representative, to conduct independent research regarding drugs I detailed. I was not expected to review independent scientific studies published in journals unless Merck supplied them to me.

4. At no time did I have any involvement at all with the manufacture, development, or testing of Vioxx. The physicians with whom I dealt and on whom I called in my job were highly skilled professionals. They were, in my judgment and to the best of my knowledge, in a better position than I to make determinations concerning prescribing Vioxx. I had no dealings at all at any time with any patients of any of the physicians on whom I called regarding Vioxx, and had no knowledge or information of any of those patients' medical histories, symptoms, prognoses, or courses of treatment.

5. At no time did I ever sell, offer to sell or take orders for the sale of Vioxx to patients. Physicians upon whom I would call would write their prescriptions for Vioxx based upon their own independent medical knowledge and judgment and I would not have direct knowledge of any specific prescriptions these physicians may have written for individual patients including, but not limited to, Alicia Struthers.

6. I have never promoted or detailed Vioxx in Montgomery County, Alabama.

7. I have never met nor spoken with James O. Struthers or Alicia Struthers.

8. I made no knowing misrepresentations concerning the safety or efficacy of Vioxx and acted in good faith at all times in my dealings with physicians who may have prescribed Vioxx.

9. I have never made any presentations to the general public regarding Vioxx.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 3, 2006.


Lamonde Russell

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**JAMES O. STRUTHERS, Individually,
and as Administrator of the Estate of
ALICIA STRUTHERS, deceased,**

Plaintiff,

v.

MERCK & CO., INC.,

Defendant.

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Case No.: _____

DECLARATION OF ANNE BRANDON

1. My name is Anne Brandon. I am over twenty-one years of age, am of sound mind, and am competent to make this Declaration. This Declaration is based upon my personal knowledge.

2. At no time did I ever provide Vioxx® ("Vioxx") or information concerning Vioxx directly to James O. Struthers or Alicia Struthers.

3. I am not a physician and accordingly have never prescribed Vioxx. I am also not a pharmacist and I have therefore never filled a Vioxx prescription as a pharmacist. The information that I used during the course of my employment was provided to me by my employer. Specifically, Merck provided me with the FDA-approved prescribing information and the other information I used in speaking with physicians regarding Vioxx. I had no involvement in the development or preparation of prescribing information for Vioxx, and did not have responsibility for the content or other written warnings concerning Vioxx contained in other information provided to me by my employer. I was not expected, as a Professional Representative, to conduct independent

research regarding drugs I detailed. I was not expected to review independent scientific studies published in journals unless Merck supplied them to me.

4. At no time did I have any involvement at all with the manufacture, development, or testing of Vioxx. The physicians with whom I dealt and on whom I called in my job were highly skilled professionals. They were, in my judgment and to the best of my knowledge, in a better position than I to make determinations concerning prescribing Vioxx. I had no dealings at all at any time with any patients of any of the physicians on whom I called regarding Vioxx, and had no knowledge or information of any of those patients' medical histories, symptoms, prognoses, or courses of treatment.

5. At no time did I ever sell, offer to sell, or take orders for the sale of Vioxx to patients. Physicians upon whom I would call would write their prescriptions for Vioxx based upon their own independent medical knowledge and judgment, and I would not have direct knowledge of any specific prescriptions these physicians may have written for individual patients including, but not limited to, Alicia Struthers.

6. I made no knowing misrepresentations concerning the safety or efficacy of Vioxx and acted in good faith at all times in my dealings with physicians who may have prescribed Vioxx.

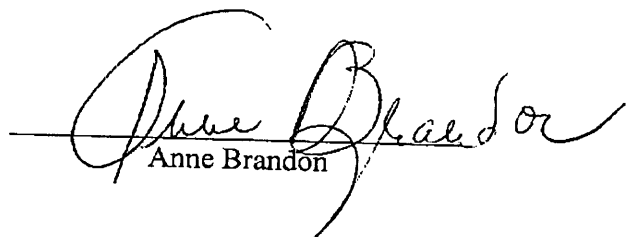
7. I have never promoted or detailed Vioxx in Montgomery County, Alabama.

8. I have never met nor spoken with James O. Struthers or Alicia Struthers.

9. I have never made any presentations to the general public regarding Vioxx.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 8th, 2006.


Anne Brandon